

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

IRFAN AMANAT and OMAR AMANAT,

Defendants.

ORDER

15 Cr. 536 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The Court is in receipt of a pro se letter and accompanying materials from Defendants Irfan Amanat and Omar Amanat, dated December 27, 2021 – which is appended to this order – seeking a reduction of their sentences pursuant to 18 U.S.C. § 3582(c)(1)(A). The Government will respond to Defendants’ letter by **January 21, 2022**.

The Clerk of Court is directed to mail a copy of this order to Defendants.

Dated: New York, New York
January 14, 2022

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054
TO:
SUBJECT: Motion for Reduction in Sentence
DATE: 12/27/2021 07:39:48 PM

Irfan Amanat #78365-054
Brooklyn Metropolitan Detention Center
80 29th Street
Brooklyn, NY 11232

Honorable Judge Gardephe
U.S. District Court
500 Pearl Street
New York, NY, 10007

RE: Request for permission for Motion for Reduction in Sentence
December 27, 2021
Dear Honorable Judge Gardephe,

We respectfully ask permission for a motion for a reduction in our sentence, given the new vaccine-resistant Omicron crisis, and the failure of the Bureau of Prisons to properly execute this Court's imposed sentence and protect us from harm.

Because of the Omicron emergency, we respectfully ask the Court to accept this letter from us, either under counsel or to approve this submission as pro-se, as a motion for a reduction of sentence under 18 U.S.C. 3582(c)(1)(A).

As this Court is aware, Omicron is a new variant of Covid which is more contagious and infects vaccinated individuals ("breakthrough infections"). There is currently no vaccine for Omicron. Omicron was detected in mid November and within a month is the predominant strain. Omicron has led to a surge in Covid infections and deaths, and last week New York has seen record daily infection rates. In the past six days the BOP has a 106% increase in infections, and Omicron has reached the Brooklyn Metropolitan Detention Center (MDC), where we are held. In response MDC has reinstituted Covid emergency protocols and conditions, including lockdowns and suspended all legal and social visits. During this past month there have been multiple hospitalizations of inmates - and another reported inmate death (either the 7th or 8th death this year).

Both Irfan and Omar were approved by the BOP to be transferred to home confinement in October - well before the current Omicron crisis. Omar was approved on October 14th, and Irfan on October 31st. Despite these approvals, we are both still held at MDC cadre. Omar and Irfan have served 91% and 92% respectfully of this Court's imposed statutory sentence. Under 18 U.S.C. 3624(c)(2) and DOJ Memorandum "Home Confinement under the First Step Act" (OPI "RSD/RRM" #001-2021 dated May 3, 2021), the BOP states they are statutorily mandated to give 10% of our sentence as home confinement. Despite this mandate, for over two months, MDC has failed to execute this transfer. Instead of properly executing the sentence the BOP kept us in a facility that became exposed to Omicron, under harsher conditions then intended by this Court.

The BOP is specifically aware of the heightened risk to Omar. Last year the BOP evaluated Omar and placed him on the Covid "at risk" list, and approved his immediate transfer under the "CARES" act. But by failing to actually execute the transfer, the BOP knowingly exposed him to an increased risk of serious illness and death. Based on the risks from Omicron we made a request for a reduction in sentence, for immediate home confinement or release, to the BOP 30 days ago. We received no reply.

The BOP and the Probation Office has already evaluated and approved our home confinement release plans, to stay at our childhood home, seek employment, and take care of widowed and ailing mother. Our sister was forced to move for work, so there is now no other available caregiver, which is an additional urgent reason for our request. We both have significant support from the community and friends, including physicians who have offered to help us find work and medical care.

Given the Omicron emergency at MDC, our statutory overdue transfer to home confinement, and our need to take care of our mother, we urgently send in this request for permission for a motion for a reduction in sentence, to either immediate home confinement or release, for the above listed extraordinary and compelling reasons that have arisen since our sentence.

Respectfully,
Irfan Amanat - Federal #78365-054
Omar Amanat - Federal #77907-054

cc: SDNY S/AUSA's Tracer, Griswold, Naftalis

Irfan Amanat
Omar Amanat
12/27/2021

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054

TO:

SUBJECT: Irfan Affidavit

DATE: 12/27/2021 08:00:48 PM

- DECLARATION IN SUPPORT OF MOTION FOR REDUCTION IN SENTENCE

I, Irfan Amanat, declare that I am the Defendant in the criminal case "United States v. Irfan Amanat, et al." in the Southern District of New York, 15-CR-536 (PGG); and in support of my Motion for Reduction in Sentence state the following:

1. I was incarcerated after jury trial on October 27, 2018. I was initially held at the Manhattan Correctional Center, then transferred to the Brooklyn Metropolitan Detention Center (MDC). I am currently at the MDC in the minimum security cadre.
2. I received my "Sentence Monitoring Calculation Computation Data" from MDC Unit Team. It shows my "Home Detention Eligibility Date" is October 31, 2021. I am 50 years old with no history of violence and a minimum BOP PATTERN score. I qualify for this date under the "Home confinement" subsection of "Prerelease" custody 18 U.S.C. 3624(c)(2) and the DOJ Memorandum "Home Confinement under the First Step Act" (OPI: RSD/RRM, Number: 001-2021, Date: May 3, 2021)
3. On November 3, 2021, the MDC Unit Team approved and my "Home Confinement and Community Control Agreement", "Conditions of Home Detention", and "Community Based Program Agreement", for my transfer to home confinement to live with my mother at her house, where I was living previous to my incarceration.
4. Soon thereafter the Probation Office visited my mother at her house, interviewed my mother, inspected the house, and approved the placement.
5. Shortly after Thanksgiving I became aware of the Omicron virus spreading in New York. Soon thereafter I sent a written requests to the Unit Team and Warden asking for urgent processing of my transfer to home confinement, a "Compassionate Release", or alternatively a furlough until my transfer was complete. I have received no written response.
6. On December 2, 5, 19, 21, and 27, as Omicron spread, I sent in written requests for urgent transfer to home confinement, or alternatively a reduction in sentence or furlough, for myself and my brother Omar Amanat. My requests noted the spreading Omicron crisis in NY and MDC, the lengthy delays of our approved transfer, and the lack of any available caregiver for our widowed and ailing mother. I also noted the recent MDC inmate hospitalizations - and death. I received no written response.
7. On December 2nd MDC the internal email to MDC Associate Warden's was disabled, blocking the MDC's defined method for inmate complaints. Around that time the cadre unit HVAC broke, so there is currently no heating or new airflow in my unit.
8. On December 20th the MDC Unit Team informed my brother and myself that our transfer will not happen this year because "there was too much paperwork" and the Unit Team refused to do the paperwork. I prepared a written complaint.
9. On December 21st, before my submission, the MDC Unit Team said they were "joking" and that in truth the delay was not because of the MDC Unit Team, but instead was because the Newark Halfway House had not signed the paperwork.
10. On December 22nd we received information that the Newark Halfway House had not received any paperwork from MDC.
11. On December 22nd we spoke to Associate Warden Stout, who confirmed that for my home confinement transfer, there was no need for any paperwork to be signed by the halfway house, as I do not need RRC placement per the BOP May 3 2021 memo and current BOP home confinement policy. AW Stout told me to follow up with the Unit Team.
12. On December 27th the Unit Team said they were not waiting for paperwork from Newark Halfway House, but instead stated that they were waiting for someone else inside the BOP to sign the paperwork.
13. That same day the Unit Team said they could not tell when either of us would be transferred home.
14. That same day MDC announced new inmate lockdowns and suspension of all visits, because of the Covid surge.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Irfan Amanat:  Brooklyn, NY 11232 December 27, 2021

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054

TO:

SUBJECT: Omar Affidavit

DATE: 12/27/2021 08:00:31 PM

- DECLARATION IN SUPPORT OF MOTION FOR REDUCTION IN SENTENCE

I, Omar Amanat, declare that I am the Defendant in the criminal case "United States v. Omar Amanat, et al" in the Southern District of New York, 15-CR-536 (PGG); and in support of my Motion for Reduction in Sentence state the following:

1. I was incarcerated after jury trial in December of 2017. I was initially held at the Manhattan Correctional Center, then transferred to the Brooklyn Metropolitan Detention Center (MDC). I am currently in the MDC minimum security cadre.
2. On October 14th, 2021, Warden Felipe Martinez approved my immediate transfer home confinement under the "CARES ACT". The Warden stated this was because I was assessed pursuant to the Attorney General's memorandum and determined medically at-risk in accordance to CDC guidelines.
3. On November 3rd, the MDC Unit Team signed my "Home Confinement and Community Control Agreement", "Conditions of Home Detention", and "Community Based Program Agreement", for my transfer to home confinement to live with my mother at her New Jersey home that I grew up in.
4. Soon thereafter the Newark Probation Office visited my mother at home, interviewed my mother, inspected the house, and approved the placement there for both myself and my brother Irfan Amanat.
5. Shortly after Thanksgiving we became aware of the Omicron virus spreading in New York. Soon thereafter we sent written requests to the Unit Team and Warden asking for urgent processing of my CARES act transfer, or a "compassionate release" or furlough until my transfer was complete, to protect me from Omicron. I have received no written response.
6. On December 2, 5, 19, 21, and 24 we sent in written requests for the urgent processing of my transfer (or reduction in sentence or furlough), noting the spreading Omicron crisis in NY, and then MDC, and the delay of my transfer, and the lack of any available caregiver for our ageing and widowed mother as our sister moved away from NY. I received no response.
7. On December 20th the MDC Unit Team told me our transfer would not happen this year because "there was too much paperwork" and the Unit Team refused to do the paperwork. We prepared a written complaint.
8. On December 21st the MDC Unit Team instead said they were "joking" and in truth the delay was not because of the MDC Unit Team, but because the Newark Halfway House not signing the paperwork.
9. On December 22nd I received information that the Newark Halfway House had not received any of my paperwork.
10. On December 22nd I spoke to Associate Warden Stout, and told of the conflicting information from the Unit Team.
11. On December 27th, the Unit Team changed the reason, and said they were not waiting for the Newark Halfway House, but for someone else inside the BOP to sign the paperwork.
12. The Unit Team told me they could not tell when I would be transferred home.
13. As of December 27th, it has been over 10 weeks since my October 14th emergency CARES act approval. I have not been transferred. During this time I am aware of the spread of Omicron at MDC, I have witnessed several inmate hospitalizations, and am aware of another inmate death at MDC. I believe this is either the 7th or 8th inmate death this year.
14. As of December 17th, I also qualify under the pre-CARES act home confinement statute 18 U.S.C. 3624(c)(2), making the CARES act approval to protect me from Covid superfluous. I can be released without halfway house or RRC placement. (see BOP Memo "Home Confinement under the First Step Act" (OPI: RSD/RRM, Number: 001-2021, Date: May 3, 2021))
15. On December 27th, MDC announced inmate lockdowns and suspension of all visits, because of the Covid surge.

I testify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Omar Amanat  Brooklyn, NY 11232 December 27th, 2021

MDC BROOKLYN INMATE BULLETIN

Subject: Institution Operations

Effective Date: December 27, 2021

SUBJECT: BOP CORONAVIRUS (COVID-19) PROTECTIVE MEASURES

As you may be aware in talking to persons in the community, the United States is seeing an increase in the number of confirmed cases of infected persons. Effective immediately, the following actions are being taken by the Bureau of Prisons (BOP) in order to prevent or reduce the spread of COVID-19.

SCREENING OF INMATES: The BOP is screening inmates for COVID-19 using established practices:

- All newly-arriving BOP inmates are screened for COVID-19 exposure risk factors and symptoms.
- Asymptomatic inmates with exposure risk factors are being quarantined.
- Symptomatic inmates with exposure risk factors are to be isolated and tested for COVID-19 per local health authority protocols

SOCIAL VISITS: Social visits are suspended until further notice. The suspension will be reevaluated at a later date.

Local medical trips will be made, as necessary.

LEGAL VISITS: Legal visits will be suspended until further notice. The suspension will be reevaluated at a later date. Case-by-case approval at the local level and confidential legal calls will be allowed in order to ensure access to counsel.

Access to legal counsel will be accommodated to the maximum extent practicable. Although legal visits are generally suspended until further notice, you may make a request to your Unit Team, who will forward it to the institution's Legal Department for review and final approval by the Warden. Attorneys will be screened prior to being admitted to the facility.

VOLUNTEERS: Volunteer visits will be suspended until further notice, with limited exceptions. The suspension will be reevaluated at a later date. Inmates who wish to speak with a religious advisor should make a request through their Unit Team.

MODIFIED OPERATIONS: Until further notice, the facility will operate on a modified basis to limit inmate group contact, as much as possible. This action is necessary to limit the transmission of the disease if anyone becomes infected. The suspension will be reevaluated at a later date.

We appreciate your assistance and cooperation in this important matter.

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054

TO:

SUBJECT: Home Confinement under the First Step Act

DATE: 12/27/2021 08:09:04 PM

*The following is a manually typed copy of the relevant text from the May 3, 2021 Memorandum "Home Confinement under the First Step Act" issued by the US DOJ/Federal BOP.

U.S. Department of Justice

Federal Bureau of Prisons

Operations Memorandum

OPI: RSD/RRM

Number: 001-2021

Date: May 3, 2021

Expiration Date: May 3, 2022

"Home Confinement under the First Step Act"

Approved: Sonya D. Thompson

Assistant Director, Reentry Services Division

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1. HOME CONFINEMENT FOR LOW RISK OFFENDERS

Section 602 of the FSA modified 18 U.S.C. 3624(c)(1), authorizes the Bureau to maximize the amount of time spent on home confinement when possible. The provision now states, with the new FSA language in [CAPS],

"Home confinement authority. - The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months. THE BUREAU OF PRISONS SHALL, TO THE EXTENT PRACTICABLE, PLACE PRISONERS WITH LOWER RISK LEVELS AND LOWER NEEDS ON HOME CONFINEMENT FOR THE MAXIMUM AMOUNT OF TIME PERMITTED UNDER THIS PARAGRAPH."

The Bureau interprets the language to refer to inmates that have lower risks of reoffending in the community as defined by individual PATTERN scores, and reentry needs that can be addressed without RRC placement. The Bureau currently utilizes home confinement for those inmates. Accordingly, staff should refer eligible inmates for the maximum amount of time permitted under the statutory requirements.

The statutory language will be added to the Program Statement HOME CONFINEMENT.

...

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054

TO:

SUBJECT: Request for overdue transfer to home confinement

DATE: 12/19/2021 11:27:15 PM

From: Omar Amanat #77907-054 and Irfan Amanat #78365-054

December 19th, 2021

Dear Assistant Warden I. Healy,

We are two brothers, Omar and Irfan Amanat (BOP Register # 77907-054 and #78365-054), who respectfully ask to be transferred to home confinement by this Christmas to live with and take care of our ailing and widowed mother, and spend time with our children. We have both served over 90% of our statutory sentences (5 years and 4 years respectfully) and have less than 6 months and 4 months remaining. We are 49 and 50 years old, this was our first criminal offense of any kind, and our crimes were non-violent and committed over a decade ago. As agreed by the Court, the Probation Office, and the Government, we owe no restitution or forfeiture to victims. We have minimal security, recidivism, and PATTERN scores.

We also have already both qualified for, and are well overdue, for transfer to home confinement under both pre-CARES and CARES act home confinement guidelines, and should already be home under MDC and BOP policies. So we request this transfer under both BOP, DOJ and Congressional policies and statutes, due to our already approved but overdue transfer dates - and also for compassionate and health reasons

On October 14, 2021 - just 11 days after Omar's request - Warden Martinez quickly approved Omar's transfer to home confinement under the 2020 Congressional "CARES" act. Omar suffers from serious health conditions that put him at risk from contracting COVID-19 - he was hospitalized for a stroke while at MDC - and Omar is on MDC's medical "at risk" list from illness or death from contracting Covid-19 because of his advanced coronary heart disease. This risk has increased recently, with the winter surge of Covid-19 infections and deaths - and the more infectious Omicron variant now fast spreading throughout New York and creating a new crisis.

But despite the Warden's quick CARES act approval on October 14th, it has been over 2 months and Omar is still waiting for his transfer. To highlight this delay, as of December 17th Omar also qualified under the traditional pre-CARES act home confinement transfer (under 18 U.S.C. 3624(c) "pre-release custody"). This delay therefore undermined the entire purpose and intent of the Warden's CARES act approval - to quickly transfer Omar home without delay to protect him and others from COVID risks. Yes as of today, despite being overdue under both pre-CARES and CARES act statutes, it is still uncertain when Omar will be transferred.

Irfan Amanat's home confinement eligibility date was October 31, 2021 - over 8 weeks ago. Because of that, Irfan did not need to apply under the CARES act, since he already qualified under the stricter pre-CARES act statute. Irfan also has a minimal PATTERN score, so he qualifies for the "maximum amount of time" permitted for home confinement under that section - which was October 31, 2021. (The "FSA" act of 2018 amended the "pre-release custody" section 18 U.S.C. 3624(c) to state "The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph"). Despite Irfan's overdue home confinement transfer, as of today it is also still uncertain when Irfan will be transferred.

These delays also cause significant strains on our family, as our 81 year old mother now has no available caregiver. Our mother has had multiple bypass surgery and has significant health issues, including cardiovascular disease, diabetes, and high blood pressure. Our sister, who was the only one left to take care of our mother, was recently forced to move to Atlanta for work, and there is no one available to take care of our mother. Our mother has had multiple bypass surgery and has significant health issues. We have already served over 7 years combined at MCC and MDC, during the entire Covid pandemic crisis and lockdowns. In the middle of the crisis, just last summer, our father passed away - and because of the lockdowns we did not even learn until days later.

We have asked our Unit Team for help, and submitted official requests, but have not received any official response. We were initially told our transfer would be done by December 23rd, but recently was told there is now no official date for our release. As you know, BOP and DOJ policies as well as Congressional acts urge and allow for home confinement for defendants like us, who have minimal PATTERN scores, lower risk levels and needs, and are medically at risk from COVID. For all of these reasons we respectfully and urgently ask to be sent home before Christmas.

Thank you for your understanding,

Omar Amanat #77907-054

Irfan Amanat #78365-054

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054
TO:
SUBJECT: Follow up on overdue transfer
DATE: 12/24/2021 07:13:04 PM

From: Omar Amanat #77907-054 and Irfan Amanat #78365-054
RE: Follow up on overdue transfer

Dear Warden Martinez and Associate Warden I. Healy,

We wrote to you previously, asking for help regarding our overdue transfer to home confinement (12/19/2021 letter). We write now to inform you of our recent communication with the Unit Team, which raises serious concerns regarding internal MDC management of our transfers. The Unit Team previously told Omar to expect a transfer date of December 23rd. But yesterday, on December 21st, the Unit Team told Omar they are unable to finish processing Omar's transfer, and therefore his transfer would be indefinitely delayed. He has not been given a new date.

This is a significant concern; Warden Martinez quickly approved Omar's CARES act transfer on October 14th because of MDC's assessment of Omar's medical risks. The Unit Team and Omar signed the transfer paperwork on November 3rd. It has now been ten weeks since the Warden's approval, and Omar's transfer is still incomplete. During this time, Covid and vaccine-resistant Omicron has spread rapidly and it putting Omar and other's life at serious risk.

Omicron is a serious new risk, with "breakthrough infections" that re-infect previously vaccinated individuals, such as Omar. Omicron was just 0.7% of all infections on December 3rd - but as of today it is 73% of all new infections - a 100x increase in 3 weeks. Omicron is 71x more infection than even Delta. As a result of this winter surge, NYC has reported its highest levels of infection and deaths ever in just the past three days (as reported by NYC Health Commissioner and CDC). And this past week, the US is reporting over 130,000 infections and 1,200 deaths a day.

During the similar Covid crisis last summer, according to the OIG review of MDC's response to the pandemic, MDC was able to comply with CARES act review, approval, and transfer of inmates within 3-4 weeks (which included 2 weeks of quarantine). Therefore it took MDC only 1 to 2 weeks to process all the paperwork and transfer out of the unit for all qualifying inmates. In comparison Omar has been waiting over 12 weeks for the same approval, processing and transfer - during the time of a new, more infectious and vaccine-resistant Omicron pandemic.

MDC has therefore unfortunately failed to comply with Warden Martinez's CARES act approval of Omar's transfer to protect his and other's health. As a result of this delay, and to avoid further issues with processing or with halfway house delays, we once again for immediate release to home confinement. In the alternative, we urgently request an temporary/emergency furlough transfer or a reduction in sentence to allow Omar to either transfer to, or be released to, his home, where he will stay with his mother. (We have made previous written requests to MDC for furlough and reduction in sentence on 12/2 and 12/5, but have not received any response)

In addition to this CARES act failure, we also note that MDC and the BOP has also not been able to comply with the new statutory obligation for Omar and Irfan's pre-release transfer dates to home confinement. Under the new 2018 "First Step Act" modification to 18 U.S.C. 3624(c), the BOP is required to give the "maximum" amount of time of home confinement (up to 10% of the sentence or six months) to inmates to qualify. Omar and Irfan both qualify with minimum PATTERN scores. As a result, Omar is approximate a week overdue on his statutory transfer date of December 17th, and Irfan is over 8 weeks overdue for his statutory transfer date of October 31st.

Because of these delays of approved transfers under both CARES act and pre-CARES act statutes, we respectfully request both your urgent help to have the Unit Team immediately complete Omar and Irfan's processing and transfer. In the alternative, we ask for an emergency/transfer furlough or reduction in sentence, until the Unit Team can process the paperwork, to allow them both to be at home during the ongoing and new crisis to protect their and other's health.

Best,
Omar Amanat #77907-054
Irfan Amanat #78365-054

p.s. We also again note the need to take care of our ailing and widowed 81 year old mother, who as of this month has no available caregiver to take care of her at her home, as another "extraordinary need" for a reduction in sentence, in addition to the new Omicron crisis and the delay in approved transfers.

TRULINCS 78365054 - AMANAT, IRFAN - Unit: BRO-D-A

FROM: 78365054
TO:
SUBJECT: Our Delayed and Overdue Transfer
DATE: 12/27/2021 09:24:25 AM

From: Omar Amanat #77907-054 and Irfan Amanat #78365-054
Re: Our Delayed and Overdue transfer
Date: December 24, 2021

Dear Warden Martinez and Associate Warden I. Healy,

We write to you urgently, given the Omicron crisis which last week has now apparently spread to inside MDC itself. We desperately ask you to complete our approved, but long overdue, transfer to home confinement, given the virus's spread and the risk to our health from Omicron's "breakthrough infections".

We also write to give you new information regarding the confusion inside MDC on our overdue transfer. We again note that this delayed transfer violates MDC and the BOP's statutory obligations - as well as putting both of our lives at risk of serious illness or death from the new Omicron crisis.

As we earlier stated, both Omar and Irfan's home confinement dates were approved in October of this year (Oct 14 and Oct 31, respectively) - but two months later we are still waiting for the actual transfer. After speaking recently with the Unit Team and Associate Warden Stout, this delay is apparently due to confusion inside MDC and the BOP itself.

For Omar's transfer, the Unit Team stated they are waiting for the Newark halfway house to approve the transfer and to give a date. But a representative from the halfway house confirmed there is no pending paperwork or dates for Newark to approve. Apparently, the months long delay of Omar's transfer is only because of MDC's internal confusion or delay.

This delay is highly concerning. Because of Omar's health risks from Covid, Warden Martinez approved Omar's "CARES" act transfer over two months ago, on October 14th. Ten weeks later, Omar has still not been transferred. During this delay Omicron has apparently spread to MDC. This delay puts Omar at risk of serious illness or death, as Omicron infects vaccinated individuals. NY is experiencing a new crisis from Omicron, and has seen its single highest daily infection rate (over 38,000). MDC's internal confusion, and resulting inability, to execute Omar's approved transfer before Omicron spread to this facility shows a serious failing and inability to protect his health.

The reason for Irfan's delayed transfer is as concerning. Irfan's statutory date for home confinement was October 31st of 2021. Irfan is over 50 years old, a first time offender with a minimum PATTERN score, has an completely non-violent history, no disciplinary infractions or gang affiliations, and only 3 months left on his 4 year sentence (over 93% served). In 2018, under the "FSA" act, Congress mandated the BOP to grant the maximum amount of home confinement allowed to inmates with the exact parameters as Irfan's. In addition, in 2020 the Attorney General also instructed the BOP to "maximize" the use of home confinement for inmates with the exact parameters as Irfan. But despite the Congressional statutory mandate and the AG instructions to immediately transfer inmates like Irfan to home confinement, Irfan has not been transferred - despite being two months past his statutory transfer date. (Omar also qualifies and is overdue for transfer under the "FSA" act for the same reasons)

Associate Warden Stout confirmed that this delay for Irfan is purely due to BOP and MDC internal delays. While "CARES" act approvals may need additional medical approval, Irfan's transfer is under the pre-existing "FSA" act for home confinement - and there external approval or halfway house needed for transfer to home confinement. The only approval required is inside the BOP and MDC. Omar and Irfan's delays are therefore only the BOP and MDC's responsibility.

Omar and Irfan are perfect examples of the type of inmates that Congress and the AG urged and mandated the BOP to immediately transfer to home confinement. MDC's inability to transfer either of them - and internal confusion on the reason - is a significant failure.

We therefore again urge for your help to transfer us immediately to our home, to protect our health and safety from the fast spreading Omicron, and to fulfill BOP's and MDC's statutory obligations.

Best wishes,
Omar Amanat #77907-054
Irfan Amanat #78365-054

Irfan Amand #78365054
Brooklyn MDC
PO Box 329002
Brooklyn NY 11232



US
DISTRICT
COURT
SOUTHERN
DISTRICT
NEW YORK

Clerks of the Court
Honorable Judge Paul G. Gardephe
US District Court
Southern District Court
500 Pearl Street
New York, NY 10007